II. (1) A copy each (in English and Hindi) of the following papers, under sub-section (1) of section 619A of the Companies Act, 1956: —

(i) Thirtieth Annual Report and Accounts of the National Projects Construction Corporation Limited, New Delhi for the year 1986-87, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(ii) Review by Government on the working of the Corporation.

(2) Statement (in English and Hindi) giving reasons for the delay in laying the paper mentioned at (1) (i) above. [Placed In Library. *See* No. LT-5584/88 for (1) and (2)].

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## MESSAGE FROM THE LOK SABHA

### Joint Committee to enquire into Bofors contract

SECRETARY-GENERAL: Madam, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"I am directed to inform you that Lok Sabha, at its sitting held on the 26th February, 1988, had adopted the following motion extending the time for presentation of the Report of the Joint Committee of the Houses to enquire into Bofors Contract:—

MOTION

'That this House do further extend up to the last working day of April 1988, the time for presentation of the report of the Joint Committee to enquire into Bofors Contract."

SHRI DIPEN GHOSH (West Bengal): Madam Deputy Chairman, we have given notice...

THE DEPUTY CHAIRMAN: You have given notice but you have not been permitted.

SHRI DIPEN GHOSH: What are the reasons? (*Interruptions*).

SHRI LAL K. ADVANI (Madhya Pradesh): Madam, last time, this matter was discussed with the Chairman in the last Session. At that point of time, the Chairman himself suggested that the only way in which ...

THE DEPUTY CHAIRMAN: Listen, I have received a notice for permission. It is correct that Shri Jaswant Singh, Shri M. S. Gurupadaswamy, Shri Dipen Bhosh, Sardar Jagjit Singh Aurora, Shri Chitta Basu, Shri Parvathaneni Upendra and Shri Chaturanan Mishra, all of them have sought permission. (*Interruptions*)

SHRI LAL K. ADVANI: In fact, we have acted on the advice of the Chairman. The Chairman advised us last time and it was then pointed out that the matter had already been reported: the reporting of extension from the other House has already been done; it is not our privilege to extend or not to extend. This time when we have an opportunity, we sought permission before it is...

THE DEPUTY CHAIRMAN: Permission for what?

SHRI LAL K. ADVANI: To refer to this matter. Extension of the Committee's time. Why extension? After all, this is a Committee of the other House but we are also associated. We have Members from this House on that Committee. (*Interruptions*)

THE DEPUTY CHAIRMAN: You have sought permission and on that point, I have to say something. On August 12, 1987, the Rajya Sabha adopted a motion concurring in the motion of the Lok Sabha to set up a Joint Committee on Bofors. Originally the Joint Committee was slated to submit its report to both Houses by 6th November, 1987. Subsequently the Joint Committee was given exten-

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sion of time to present the report by the Lok Sabha by adopting a separate motion on 6th November, 1987. That motion was conveyed to the Rajya Sabha through a message reported by the Secretary-General on 9th November, 1987. On the last occasion, after the message was reported to the House, some Members expressed their intentions to the hon. Chairman that they should be given an opportunity to offer their comments on the extension sought by the Joint Committee for presentation of the report. In other words, the intention of the members was to offer comments on the performance of the Committee so far. And I think now also the same intention is there. *(Interruptions)*

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): No. How do you say what we are going to tell you? Please hear us.

THE DEPUTY CHAIRMAN: Do you not want to comment on that? *(Interruptions)*

SHRI PARVATHANENI UPENDRA: Please hear us.

THE DEPUTY CHAIRMAN: If you are not commenting why do you want permission?

SHRI PARVATHANENI UPENDRA: Please hear us. We will tell you. *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY (Karnataka): Madam Deputy Chairman, I do not want to make comments on the Committee or the deliberations of the Committee. You are well aware that this House was involved and was asked to nominate some Members on the Committee. And there was nomination of some Members with the clear understanding that this is a very extraordinary matter involving the highest seat of the Government, the enquiry should be completed and should be expedited as quickly as possible. There was also the statement of the treasury benches. Madam, it was our understanding that the report would be made available to us within the time-frame fixed. It was not adhered to. It was extended. At that time also we were given to understand that the extension of the time given was unavoidable and it was given to us that the whole exercise would be finished, would be ended, within the time given at the time of the extension. This is the second extension. So the plea—the reason, the logic—that this is an extraordinary situation, this is a very serious matter and this has got to be ended is taken away because of the extension of the time. That is also your own statement. Madam my contention is that the time is extended without adequate reason, without any compelling reason.

THE DEPUTY CHAIRMAN: Now you are commenting. Please don't go further. *(Interruptions)*

SHRI M. S. GURUPADASWAMY: I am not at all commenting. I am not commenting on the composition, terms of reference or the deliberations. *(Interruptions)* Madam, I am not commenting. You have ruled. I am sticking to your ruling. *(Interruptions)*

THE DEPUTY CHAIRMAN: But, you are not making a speech here. Mind you.

SHRI M. S. GURUPADASWAMY: Of course, I am exercising that right. I have to make a speech. This is a speech, of course. I am not denying that. *(Interruptions)* What are we here for?

THE DEPUTY CHAIRMAN: In that case, please let me tell you Mr. Gurupadaswamy. This is not a motion before the House on which you are debating. I just permitted you because you said you did not want to comment and you wanted to make a submission. A submission cannot be a speech. *(Interruptions)*

SHRI PARVATHANENI UPENDRA: What else is a speech? (*Interruptions*)

THE DEPUTY CHAIRMAN: In a short time, within a minute or two, you should say why you are raising this point. If you say I am making a speech, it is a different story.

SHRI M. S. GURUPADASWAMY. If you want to call it a speech, call it so, but I am making a submission.

SHRI PARVATHANENI UPENDRA: It is not a speech; it is a submission.

THE DEPUTY CHAIRMAN: But how long do you make the submission?

SHRI M. S. GURUPADASWAMY: I am ending it. Why are you interfering?

My objection, therefore is to the extension of time given to this Committee because of the fact that there is no valid reason, no compelling reason, for giving this extension of time.

The DEPUTY CHAIRMAN: Mr Jaswant Singh, not more than one minute, one sentence.

SHRI JASWANT SINGH (Rajasthan): Madam Deputy Chairman, you have said that we are to confine ourselves to comments...

THE DEPUTY CHAIRMAN: No, no not comments...

SHRI JASWANT SINGH: I want to be quite clear. You were saying I cannot make a speech, I cannot comment...

THE DEPUTY CHAIRMAN: Last time I said that the intention of the Members was to offer comments on the performance of the Committee. At that time honourable Members said, "No, we do not want to comment." I asked, "Then why do you want to raise it?"

SHRI DIPEN GHOSH: We won't comment on the performance of the Committee.

THE DEPUTY CHAIRMAN: It is the normal practice of the House...

SHRI DIPEN GHOSH: We have not said that we want to comment on the performance of the Committee...

THE DEPUTY CHAIRMAN: I am trying to say something. You should try to understand it. (*Interruptions*) Please don't try to enter into arguments. I am allowing you in good spirit. Please try to understand it otherwise, I could straightway say "No finish it". You say you don't want to comment on it. Then I ask you why you want to raise it. Mr Gurupadaswamy said he won't make a speech. Only to that extent I said all right. But while speaking you cannot go into the whole question.

SHRI JASWANT SINGH: I think you are quite right. My intention is not to go into the composition of the Committee; also not to comment on the functioning of the Committee. But nevertheless I do wish to make a submission on the extension of time granted to this Committee by the Lok Sabha and my submission is...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): How is it relevant? How can these Members make comments on what is happening in Lok Sabha? I do not understand the rationale.

THE DEPUTY CHAIRMAN: I think I should go ahead with what I have to say. In the Lok Sabha on the last occasion as well as on February 2, 1988 when a motion for extension of time for presentation of the report of the Joint Committee on Bofors was placed before that House, its Members offered their comments. As per our usual practice when a motion for extension of time for presentation of a report of a Joint Committee is adopted by the other House, the fact is merely

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communicated to our House by a message of the Lok Sabha Secretary-General which in turn is reported to Our House by the Secretary-General. There is no practice of discussing such message or offering any convent on the contents of the message. There are several reasons for not doing so. First, it is a message of the other House and nothing should be said which will reflect upon the decision of the other House conveyed through a message. Secondly, our House is only a concurring one. It does not have much role to play. While the matter is under inquiry of the Committee, on behalf of our House the Members function in that Committee. For all practical purposes the Committee functions under the direction and control of the Speaker. Any comment on the working of the Committee, therefore, would amount to reflecting, even though indirectly, on the functioning of the Speaker himself. Thirdly, before the House there is a message and not a motion and as such that cannot be an occasion to speak. Lastly and that is the most important, if any comments are made on the functioning of the Committee at this stage, there will not be any Member in our House to reply on behalf of the Committee. In the other House the position quite is different. It is because there the Chairman of the Committee moves the motion and replies to the comments made at that time and, therefore, it will be a one-sided affair if you discuss it. So, I don't allow it.... (*Interruptions*).... Therefore, I am not allowing it... (*Interruptions*)...

SHRI PARVATHANENI UPENDRA: Madam, how quickly you have revised our ruling... (*Interruptions*)... You have permitted two people and now you say you won't permit it,.... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Because the matter is not being restricted to what I have said.... (*Interruptions*)....

SHRI PARVATHANENI UPENDRA: But it should apply equally to everybody. Why did you allow Mr. Gurupadaswamy?. ..(*Interruptions*)...You should have given your ruling earlier....(*Interruptions*)...You should have given this ruling earlier. This is not fair... (*Interruptions*)...

SHRI DIPEN GHOSH: You allowed two Members...(*Interruptions*)...

You allowed Mr. Gurupadaswamy Mr. Gurupadaswamy. does not represent all the parties... (*Interruptions*)... This is arbitrary.

THE DEPUTY CHAIRMAN: I did not want this to go on in this House... (*Interruptions*)...

SHRI PARVATHANENI UPENDRA: You should have given the ruling earlier. But earlier you allowed him and you allowed Mr. Jaswant Singh and in the midst my you have given this ruling.. (*Interruptions*)...

SHRI DIPEN GHOSH: Madam, you had yourself allowed them and now you are giving this ruling.. (*Interruptions*).

SHRI PARVATHANENI UPENDRA : Why did you allow them first?...(*Interruptions*)...

THE DEPUTY CHAIRMAN: You see, it is the discretion of the Chair to allow a Member. It is not a point of debate or any motion that every party has to be given a chance. It was only a matter on behalf of some Members which was raised...(*Interruptions*)...

श्री लाल कृष्ण आडवाणी : मैं निवेदन करूं। उपसभापति महोदया, हमको यह याद है कि हम सब लोग मिलकर सभापति जी के पास पिछले सैशन में गये थे, यह कहने के लिये कि बोफोर्स के मामले में जो कुछ हो रहा है वह हम डिस्कश करना चाहते हैं। उन्होंने कहा कि बोफोर्स डिस्कश नहीं हो सकता है। हमने कहा कि हमने सुना है कि कमेटी अपना काम पूरा नहीं कर पाई है।...(व्यवधान)... हमने कहा कि हमको पता लगा है कि कमेटी

का टर्म एक्सटेंड हो गया है और इसलिये हम समझते हैं कि यह जो हुआ यह उचित नहीं हुआ । उन्होंने कहा कि कमेटी का टर्म एक्सटेंड हुआ है तो वह जब आपके यहां हाउस में रिपोर्ट होगा तब आप इस इश्यू को उठाइये । यहां पर सेक्रेटरी-जनरल बैठे हैं । मैं एक भी बात गलत नहीं कर रहा हूं । जब सेक्रेटरी-जनरल ने प्वाइंट आउट किया कि वह रिपोर्ट हो चुकी है तो हम चुप हो गये यह सोचकर कि यह हमारी निजलेंस की कमी रही । क्योंकि शुरू में ही इस बारे में रिपोर्ट हो चुकी है इसलिये इसमें हम कुछ नहीं कर सकते ।..

(*Interruptions*) ..

We felt helpless and, therefore, Madam, in this Session, because we were aware that once again another extension was being proposed from the very first day we were alert and vigilant. On Friday, the other House extended the tenure of this Committee and we apprehended that it might be reported in the evening that day, at 5-30 or 6 o'clock, and suddenly we would be taken unawares and would lose this opoprtunity. The Chairman himself had suggested to us that we would be losing that. I am not revealing a secret when I say that on Friday evening, at 6 o'clock, when the report was about to be placed in the House, I went and requested the Secretary-General and requested him not to do it because this was the only device, this is the only device, open to us and so, I said, "Therefore please do it on Monday.". I am very grateful that he agreed to my request which I made on behalf of all of my colleagues and this morning we formally made a request to the Chairman that we should be permitted to make our comments on that extension and now this is how we are being dealt with! If we are angry, we are angry with the Government and not with the Lok Sabha. We are not commenting on the Parliamentary Committee. We are angry with the Government for trying to use a Parliamentary Committee as a**

THE DEPUTY CHAIRMAN: It will not go on record.

SHRI LAL K. ADVANI: We are angry with the Government...(*Interruptions*)..

*Not recorded.

THE DEPUTY CHAIRMAN: Nothing of what he says will go on record. Mr. Advani, you have now started offering your comments.

SHRI LAL K. ADVANI: **.

*SOME HON. MEMBERS*: **

THE DEPUTY CHAIRMAN: Nothing will go on record...(*Interruptions*)... All of you, please sit down. I have given my ruling on that and now the matter is over. (At this stage, some Hon. Members left the Chamber.)

SHRI V. GOPALSAMY (Tamil Nadu): Parliament is kept...

THE DEPUTY CHAIRMAN: That will not go on record...(*Interruptions*)... Nothing of what he says will go on record.

*SHRI V. GOPALSAMY*: **

THE DEPUTY CHAIRMAN: This will not go on record. (*Interruptions*) Please sit down.

(At this stage the hon. Member left the Chamber)

*SHRI RAOOF VALIULLAH* (Gujarat): The comment made by Shri Advani should also not go on record.

THE DEPUTY CHAIRMAN: That will be expunged. It will not go on record. It will not go anywhere.

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## ANNOUNCEMENT RE: RESIGNATION BY A MEMBER

THE DEPUTY CHAIRMAN: I have to inform Members that the Chairman had received a letter from Shri Sukhdev Prasad, a Member representing the State of Uttar Padesh, resigning his seat in Rajya Sabha. The Chairman has accepted his resignation with effect from 16th February, 1988.

## THE INDIAN CONTRACT (AMENDMENT) BILL, 1988

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE

**Not recorded.